

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department – Allegation of irregularities in advances made to the contractors without completing the works in Chakrayapeta Mandal, Kadapa District - Disciplinary proceedings and charges under Rule 20 of A.P.C.S (CC&A) Rules, 1991 against **Sri G. Venugopal Reddy, the then Deputy Executive Engineer**, RWS&S, Pulivendula, Kadapa District and working as Dy.EE, PIU Sub-Division, Mydukur, Kadapa District (now Retd.) - Charge proved in the inquiry report dt:10.10.2022 of the SE, RWS&S, Kadapa – Representation of C.O. received– Imposition of penalty of withholding of Five percent (5%) pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 besides recovery of an amount of Rs.1,40,082/- i.e., 25% of total recovery amount of Rs.5,60,329/- with interest as per Rules from the date of establishment of charge in the inquiry – Orders– Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.720

Dated:26.10.2023

Read the following:

- 1.From the DG, V&E, Vigilance Report No. 22 (C.No. 1314/V&E/E1/2012), dated:21.10.2014.
- 2.G.O.Rt.No. 193, PR&RD (Vig. II) Department, Dt:23.02.2015.
- 3.From the ENC, PR, Letter No. Vig. I (4)/751/2015. Dt: 3.6.2015 along with written statement of defence dt:8.5.2015 of Sri .G.Venu Gopal Reddy, former Dy.EE, RWS&S, Pulivendula and presently working as Dy.EE, PRI Sub-Division, Proddutur.
- 4.G.O.Rt.No. 500, PR&RD (Vig. II) Department, Dt: 22.06.2022.
- 5.From the Superintending Engineer, RWS&S, Kadapa & Inquiry Officer, Letter No. A1/80/2015, dated: 10.10.2022.
- 6.Govt. Memo No. 18366/Vig. II/2014-11, PR&RD (Vig.II) Department, Dt:16.02.2023.
- 7.From Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and Dy.EE (PR) Proddutur (retired), representation dt:20.03.2023.
- 8.Memo No. 18366/Vig. II/2014-13, PR&RD (Vig. II) Department, Dt:24.07.2023.
- 9.From Sri G.Venugopal Reddy, Dy.EE (Retired), Proddutur, Kadapa District, representation dt:03.08.2023.
- 10.Govt. Letter No.18366/Vig.II/2014-14, PR&RD (Vig. II) Department, Dt:22.08.2023.
- 11.From the Secretary, APPSC, Letter No.GAD03-APPS0DCC/78/2023-DC.SEC-APPSC (Computer No.2169921), Dated:09.10.2023.

ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department, on the allegation of irregularities on selected (15) works among (17) RWS&S works for which advances were given to the Contractors without completing the works in Chakrayapeta Mandal of YSR Kadapa District vide reference 1st read above, Government, have

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initiated disciplinary proceedings duly framing following article of charge under Rule 20 of A.P.C.S (CC&A) Rules, 1991 vide reference 2nd read above against G. Venugopal Reddy, the then Deputy Executive Engineer, RWS&S, Pulivendula, Kadapa District and presently working as Dy.EE, PIU Sub-Division, Mydukur, Kadapa District, with a direction to submit his written statement of defence :

Charge :

That Sri G. Venugopal Reddy, while working as Deputy Executive Engineer, RWS&S Sub-Division, Pulivendula (i) has check measured other than approved estimated items without any permission from the competent authority (ii) has not followed the departmental procedure for departmental execution of works (iii) has check measured shortfall in measurements and (iv) responsible for payment of non approved items. Thus, he has violated guidelines in discharging his legitimate duties by making excess payment of Rs.5,60,329.00. Hence, the charge.

2. In the reference 3rd read above, the Engineer-in-Chief, Panchayat Raj, has furnished the written statement of defence dt:8.5.2015 of the charged officer Sri G.Venu Gopal Reddy, former Dy.EE, RWS&S, Pulivendula and presently working as Dy.EE, PRI Sub-Division, Proddutur, to Government for taking further action.
3. Government, after examination of the matter, have decided to conduct a regular inquiry into the matter against the charged officer Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and presently Dy.EE (PR) and two (2) other co-charged officers involved in the case. Accordingly, in the reference 4th read above, Government have appointed the Superintending Engineer, RWS&S Circle, Kadapa as the Inquiry Officer under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991, to inquiry into the charges against the three (3) Charged Officers in the matter.
4. In the reference 5th read above, the Superintending Engineer, RWS&S, Kadapa and Inquiry Officer has submitted inquiry report dt:10.10.2022, wherein the Inquiry Authority has held that the counts (i) & (ii) of charge are not held proved and count (iii) of charge is held proved and count (iv) of charge is partially held proved against the charged officer Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and presently Dy.EE (PR).
5. In the reference 6th read above, Government, among others, have communicated a copy of the inquiry report to the charged officer Sri G. Venu Gopal Reddy, the then Dy.EE, RWS&S, Pulivendula and retired Dy.EE in PR Circle, Kadapa, as per Rule 21 (2) of A.P.C.S (CC&A) Rules, 1991, for his representation, if any on the findings of the Inquiry Authority, among others.
6. In the reference 7th read above, the Charged Officer Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and Dy.EE (PR) Proddutur (retired) has submitted his representation dt:20.03.2023 and stated that the Inquiry Authority has held that the allegations 1 & 2 (ie.,

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counts of charge) are not proved and the allegation No.3 is proved and allegation No.4 is partially proved. In respect of count (3) of charge that proved (viz., that he has check measured shortfall in measurements), the C.O. has stated that the works are structural based like OHSR and GSLR and were executed in the Rural area. Due to non-availability of skilled labour, the works were carried out with semi-skilled and unskilled labour and therefore, maintenance of uniformity in the measurements is not possible. Subsequently, he was transferred from the Sub-Division in the year 2011. He has stated that as per the provisions contained in Para No.297 of APPW-A-Code having opportunity to conduct check measurement even after making payment of bill and as such even though his successor can do check measurement even after his transfer as per G.O.Ms.No.84 I&CAD Dept. Dt:6.6.2000. He has stated that the allegation is not willful mistake and requested to drop the count (3) of charge. With regard to count (iv) of charge partially proved (viz., that he is responsible for payment of non approved items and he has violated guidelines in discharging his legitimate duties by making excess payment of Rs.5,60,329.00), the C.O. has stated that during the execution of the work, generally some items not approved in the estimate, would be executed according to necessity and such items will be approved by the competent authority by preparing working estimates and completion report. In this case, all the work bills are paid in part bills and final bills, working estimates, supplementary items and completion reports are not generated. The excess amount, if any can be adjusted in the final bills as per Para 303-B of the works accounts code. He has stated that due to work pressure and to complete the works before summer season, some human errors and mistakes will get happened. The works were completed and serving the public. He has requested to consider his representation and drop charge against him in the matter.

7. Government have examined the matter and observe that as per the Vigilance & Enforcement Report dt:21.10.2014 that the check measurement made by the C.O., as Dy.EE, RWS&S, Pulivendula was having shortfall in measurements. The I.A. has held that count (iii) of charge is held proved against the C.O. As such, the contention of the C.O., that he was later transferred from the Sub-Division in the year 2011 and his successor can check-measure the work even after his transfer is not convincing as he being the Dy.EE, RWS&S, Pulivendula was responsible for check measurements of the works. He is not absolved from the count (iii) of charge. With regard to count (iv) of charge partially held proved, Government observe that the I.A. in his inquiry report dt:10.10.2022 has held that "the C.O in charge of the execution of the works as check measuring authority and his check measurement date is 01.12.2010 and last check measured was 20.01.2011 and held that the Assistant Engineer is primary responsible person for preparation of working estimates and completion reports for deviated items and got approved by the competent authority. The Deputy Executive Engineer is also responsible partially for short fall in measurements as he has check measured the measurements recorded in the M Book by the Mandal Engineering Officer resulting for making excess payment and held that the count (iv) of charge is partially proved against the C.O, Sri G. Venugopal Reddy, Dy.EE. As such, his contention to drop further action is devoid of merits as he is not absolved from the charge.

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8. Accordingly, after examining the matter and keeping in view the fact that count (3) of charge proved and count (iv) of charge partially proved which involves total loss of Rs.5,60,329/-, Government have taken a provisional decision to impose a penalty of withholding of **Five Percent (5%) of pension for a period of (2) years** against the C.O., Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and retired Dy.EE, PR under Rule 9 of A.P. Revised Pension Rules, 1980 besides recovery of an amount of Rs.1,40,082/- i.e., 25% of loss out of total amount of Rs. Rs.5,60,329/- with interest, as per Article of 300 AP Financial Code Vol-I in lumpsum from the date of establishment of charge in the inquiry, from his retirement benefits as he check measured the works in the matter. Accordingly, Government vide reference 8th read above, have communicated the above provisional decision to the charged officer for his representation if any for taking further action in the matter.

9. In the reference 9th read above, the C.O. Sri G.Venugopal Reddy, Dy.EE (Retired), Proddutur, Kadapa District, has submitted his representation and stated that there is a delay in concluding the disciplinary case and all pensionary benefits are pending and requested the Government to drop or at least reduce the proposed penalty in the interest of justice.

10. Government, after examination of the same, have decided to proceed further on the provisional decision to impose above penalty against the C.O. besides above recovery, since the C.O has not put forth any new grounds. Accordingly, in the reference 10th read above, the Secretary, A.P. Public Service Commission was requested to obtain the concurrence of the Commission and to communicate the same to Government for taking further action in the matter.

11. In the reference 11th read above, the Secretary, A.P. Public Service Commission, has communicated the consent of the Commission to impose the above penalty against the charged officer besides above recover and advised to take action accordingly.

12. Government, after careful examination the matter, hereby impose a penalty of withholding of Five percent (5%) pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 against Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and Dy.EE (PR) Proddutur (retired) besides recovery of an amount of Rs.1,40,082/- i.e., 25% of loss out of total recovery amount of Rs.5,60,329/- with interest as per Article of 300 AP Financial Code Vol-I in lumpsum from the date of establishment of charge in the inquiry from the pensionary benefits of the charged officer.

13. The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada, shall take further action in the matter accordingly and to recover the above amount accordingly from the pensionary benefits of the charged officer.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada.

Sri G. Venugopal Reddy, former Dy.EE, RWS&S, Pulivendula and Dy.EE (PR) Proddutur (retired).

(**through** The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada) (with a request to serve the orders on the individual and furnished served copy to Government).

Copy to:

The Secretary to VC, A.P.Vigilance Commission, Velagapudi

The Secretary, A.P. Public Service Commission, AP, Vijayawada.

The Director General, Vigilance & Enforcement Department, A.P., Vijayawada.

The PR&RD(Estt.I) Department.

OSD to the Hon'ble Dy.CM for PR&RD Department.

PS to Spl. CS to Govt, PR&RD Department.

SF/SC

//FORWARDED::BY::ORDER//


SECTION OFFICER
